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PATENT
Customer Number 22,852
Attorney Docket No. 07873.0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 6,905,677 B1)
Inventors: Solco Walle SCHALM)
Issued: June 14, 2005)
For: COMBINED HEPATITIS B)
TREATMENT)

Attn: **BOX PATENT EXT.**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT

In accordance with 37 C.F.R. § 1.705(d), the applicant hereby applies for a patent term adjustment under 35 U.S.C. § 154(b) of one hundred twenty (120) additional days. The total patent term adjustment for this patent should therefore be 875 days, not 755 days as currently indicated on the face of the issued patent.

This Application is being filed within two months of the June 14, 2005, issue date of the patent. The applicant did not file a terminal disclaimer for this patent. Moreover, from at least the time of payment of the issue fee for this application until the time of issuance, there were no circumstances on the part of the applicant constituting a failure to engage in reasonable efforts to conclude processing of examination of the application.

Statement of the Facts Involved

The correct patent term adjustment for the application that led to this patent, at the time of allowance of the application, was 640 days. The applicant had previously filed an Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b) to correct

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the period of adjustment, at the time of allowance, from 0 to 640 days. The Decision on Application for Patent Term Adjustment mailed by the U.S. Patent and Trademark Office on May 4, 2005, granted that application. In doing so, the Decision provided the following conclusion at the bottom of the first page:

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is six hundred forty (640) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

The applicant paid the issue fee for the application on June 22, 2004. Pursuant to 37 C.F.R. § 1.702(a)(4), a delay by the U.S. Patent and Trademark Office in issuing the patent later than four months after the date on which the issue fee was paid should result in additional days of adjustment added to the term of the patent. The present patent issued on June 14, 2005. The applicant is therefore entitled to an additional adjustment of 235 days (from October 23, 2004 to June 14, 2005) under 37 C.F.R. § 1.703(a)(6). Added to the period for adjustment at the time of allowance, the total patent term adjustment should be 640 + 235 days, or 875 days.

On its face, the present patent indicates that the term was adjusted by only 755 days. The applicant attaches Exhibit A, which is a printout of the PAIR screen that details the patent term adjustment calculation. The PAIR screen appears to correctly calculate an adjustment of 235 additional days after allowance of the application. The PAIR screen also indicates, incorrectly, a delay by the applicant of 120 days assessed on June 22, 2004. The PAIR information appears to erroneously reduce the period for adjustment by 120 days due to an "Amendment After Notice of Allowance" mentioned in the Contents Description on June 22, 2005.

The applicant did not file an Amendment After Notice of Allowance on June 22, 2005. Instead, the applicant had filed an Application for Patent Term Adjustment Under 37 C.F.R. § 1.705(b) on June 22, 2005. Pursuant to 37 C.F.R. § 1.704(e), however, the filing of that application is not considered a failure to engage in reasonable efforts to conclude prosecution and therefore should not lead to a reduction in patent term adjustment. Absent the incorrect reduction of 120 days, the patent term adjustment should be a total of 875 days. The applicant therefore respectfully requests that the

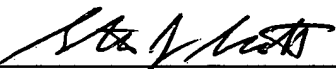
current patent term adjustment be reconsidered and adjusted to a total of eight hundred seventy five (875) days.

This Application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this Application, please also charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 15, 2005

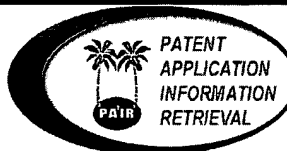
By: 
Steven J. Scott
Reg. No. 43,911



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PATENT APPLICATION INFORMATION RETRIEVAL



Patent Term Adjustment (PTA) for publication number: 09/689,637

			Days
Filing or 371(c) Date:	10-13-2000	USPTO Delay (PTO):	936
Issue Date of Patent:	06-14-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	884
Post-Issue Petitions (days):	+0	Total PTA:	755
USPTO Adjustment (days):	+703	Explanation of Calculations	

Search Options

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Maintenance Statement - View 12 year payment window
Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
05-25-2005	PTA 36 Months		
06-14-2005	Patent Issue Date Used in PTA Calculation	235	
05-19-2005	Receipt into Pubs	↑	
05-19-2005	Dispatch to FDC	↑	
05-19-2005	Application Is Considered Ready for Issue	↑	
05-19-2005	Response to Amendment under Rule 312	↑	
06-22-2004	Issue Fee Payment Verified	↑	
05-04-2005	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance		
05-04-2005	Adjustment of PTA Calculation by PTO		
05-04-2005	Adjustment of PTA Calculation by PTO		
05-04-2005	Adjustment of PTA Calculation by PTO		
05-04-2005	Adjustment of PTA Calculation by PTO		
06-22-2004	Petition Entered		
03-23-2005	Receipt into Pubs		
12-07-2004	Receipt into Pubs		
06-22-2004	Amendment after Notice of Allowance (Rule 312)		120

06-22-2004	Issue Fee Payment Received		
05-25-2004	Receipt into Pubs		
04-14-2004	Receipt into Pubs		
04-13-2004	Workflow - File Sent to Contractor		
03-22-2004	Mail Notice of Allowance	701	
03-19-2004	Issue Revision Completed	↑	
03-19-2004	Notice of Allowance Data Verification Completed	↑	
03-19-2004	Notice of Allowability	↑	
11-19-2003	Date Forwarded to Examiner	↑	
10-20-2003	Supplemental Response	↑	668
11-19-2003	Date Forwarded to Examiner	↑	↑
12-21-2001	Response after Non-Final Action	↑	↑
09-25-2001	Mail Non-Final Rejection		
09-24-2001	Non-Final Rejection		
07-18-2001	Date Forwarded to Examiner		
07-12-2001	Response after Non-Final Action		
07-03-2001	Mail Non-Final Rejection		
07-02-2001	Non-Final Rejection		
06-13-2001	Case Docketed to Examiner in GAU		
06-06-2001	Application Dispatched from OIPE		
06-04-2001	Application Is Now Complete		96
11-28-2000	Notice Mailed--Application Incomplete--Filing Date Assigned		↑
11-24-2000	Correspondence Address Change		
10-31-2000	IFW Scan & PACR Auto Security Review		
10-13-2000	Initial Exam Team nn		